LISTING OF THE CLAIMS

1-26. (Canceled)

27. (Previously presented) A data transmitting method comprising the steps of:

confirming presence or absence of a real time packet request, said real time packet request commanding a stream transmitting portion to schedule a transmission of a real time packet;

confirming presence or absence of a non-real time packet request only after confirming the absence of said real time packet request, said non-real time packet request commanding said stream transmitting portion to schedule a transmission of a non-real time packet.

28. (Previously presented) The data transmitting method as set forth in claim 27, wherein the presence of said non-real time packet request is confirmed, said transmission of the non-real time packet being scheduled.

29. (Previously presented) The data transmitting method as set forth in claim 28, wherein scheduling times for the real time packets are compared to a transmission end time for the non-real time packet, said non-real time packet being transmitted prior to transmissions of the real time packets when said transmission end time for the non-real time packet occurs before any of the scheduling times.

30. (Previously presented) The data transmitting method as set forth in claim 28, wherein said non-real time packet is transmitted during a time interval between transmissions of the real time packets when said time interval is longer than a transmission time for the non-real time packet.

31. (Previously presented) The data transmitting method as set forth in claim 27, wherein a stream of text data is packetized into a stream of non-real time packets, said non-real time packet being from said stream of non-real time packets.

32. (Previously presented) The data transmitting method as set forth in claim 27, wherein the presence of said real time packet request is confirmed, said transmission of the real time packet being scheduled.

33. (Previously presented) The data transmitting method as set forth in claim 32, wherein said real time packet is transmitted prior to any other of the real time packets, a transmission end time for said real time packet being earlier than a transmission end time for said any other of the real time packets.

34. (Previously presented) The data transmitting method as set forth in claim 32, wherein transmission of said real time packet is separated in time from transmission of another real time packet by at least a transmission interval.

35. (Previously presented) The data transmitting method as set forth in claim 27, wherein streams of moving picture and audio data are packetized into streams of real time packets, said real time packet being from said streams of real time packets.

36. (Previously presented) A data transmitting apparatus comprising:

packetizing blocks configured to packetize streams of data into streams of packets, said streams being streams of real time packets and a stream of non-real time packets;

a stream transmitting portion configured to confirm presence or absence of a real time packet request and to confirm presence or absence of a non-real time packet request, the presence or absence of the non-real time packet request being confirmed only after confirming the absence of said real time packet request.

37. (Previously presented) The data transmitting apparatus as set forth in claim 36, wherein said stream of non-real time packets is text data.

38. (Previously presented) The data transmitting apparatus as set forth in claim 36, wherein said streams of real time packets are moving picture and audio data.

39. (Previously presented) The data transmitting apparatus as set forth in claim 36, wherein said stream transmitting portion transmits a real time packet of said streams of real time packets only after confirming the presence of said real time packet request.

40. (Previously presented) The data transmitting apparatus as set forth in claim 39, wherein said real time packet request is a request to transmit said real time packet.

41. (Previously presented) The data transmitting apparatus as set forth in claim 39, wherein transmission of said real time packet is separated in time from another real time packet by at least a transmission interval, said real time packet and said another real time packet being from one of the streams of real time packets.

42. (Previously presented) The data transmitting apparatus as set forth in claim 39, wherein said real time packet is transmitted after determining that a transmission end time for said one of the real time packets is earlier than a transmission end time for any other of the real time packets.

43. (Previously presented) The data transmitting apparatus as set forth in claim 42, wherein said real time packet is transmitted prior to transmission of said any other of the real time packets.

44. (Previously presented) The data transmitting apparatus as set forth in claim 36, wherein said stream transmitting portion transmits a non-real time packet of said stream of non-real time packets.

45. (Previously presented) The data transmitting apparatus as set forth in claim 44, wherein said non-real time packet is transmitted during a time interval between transmissions of the real time packets when said time interval is longer than a transmission time for the non-real time packet.

46. (Previously presented) The data transmitting apparatus as set forth in claim 44, wherein said non-real time packet is transmitted prior to transmitting the real time packets when a transmission end time for the non-real time packet occurs before scheduling times for the real time packets.

47. (Previously presented) The data transmitting apparatus as set forth in claim 46, wherein said transmission end time for the non-real time packet and said scheduling times are compared only after confirming the presence of said non-real time packet request.

48. (Previously presented) The data transmitting apparatus as set forth in claim 47, wherein said non-real time packet request is a request to transmit a non-real time packet.